IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE Ms. JUSTICE G.ROHINI

W.P.Nos.26168, 24527 and 26322 of 2001

1) **WRIT PETITION No. 26168 of 2001**

Between:

1 Joint Action Committee for shifting of

by its Vice President Smt. Kadari Laxmamma,

W/o. Raji Reddy, Sarpanch, R/o. Plot No.58,

Kapil Nagar, Hydershakote (V) of

Rajendra Nagar (M),
RR.District-500 008
2 Smt.D.Shakuntala

W/o.D.Padma Rao, Vice-President, Sarpanch,
H.No.1-68, Peerancheru (V)

Rajendranagar (M),
R.R.District
3 S.P.K.Kulkarni

S/o Shyam Rao
General Secretary of Joint Action Committee

R/o.H.No.2-90, Gandhamguda
Rajendranagar (M) R.R.District

..... PETITIONERS

AND

1 The State of Andhra Pradesh rep. by its Secretary
Environment and Forest
2 The Secretary, Municipal Administration,
Secretariat Buildings, Saifabad, Hyderabad
3 The Municipal Corporation of Hyderabad rep. by its

Commissioner
4 The District Collector, R.R. District.
5 A.P. Pollution Control Board, rep. by its Member Secretary
Huda Maitrivanam Complex, Ameerpet, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the Respondent Authorities more particularly the respondents in dumping garbage at Gandhamguda of Peeramcheru Grampanchayat of Rajendranagar Mandal, Rangareddy District illegal and arbitrary and violative of fundamental rights guaranteed to the residents of the villagers of Gandhamguda of Peeramcheru Grampanchayath, Hydersha Kote, Bandlaguda, Kismathpur Grampanchayaths and 25 colonies in the adjacent areas consequently, direct the respondents 1 to 4 to implement the directions of the 5th respondent forthwith.

For the Petitioners :Mr. K.ASHOK REDDY, Advocate

(Not Present)

For the Respondent Nos.1, 2 & 4 : The Govt. Pleader for Municipal -

Administration

For the Respondent No.3: Mr. Ganta Rama Rao, S.C. for M.C.H.

For the Respondent No.5 : Mr. S.V.Bhatt, standing counsel for A.P.

Pollution Control Board.

2) **Taken Up WRIT PETITION NO : 24527 of 2001**

Between:

K.Srikanth and 29 others
Students of 3rd Class,

Vivekanand Vidya Vihar,

Bandlaguda X Roads
Golconda Post, Hyderabad

..... PETITIONER

AND

1 The Commissioner and Special Officer,
M.C.H.Commercial Complex, Tankbund Road, Hyderabad.
2 The Member Secretary,
A.P.Pollution Control Board, Maitrivanam, S.R.Nagar,

Hyderabad
3 The Secretary to Govt. of A.P.
Energy, Forests, Environment, Science & Technology

Department Secretariat, Hyderabad
4 The Secretary to Govt. of A.P.
Municipal Administration & Urban Development Department,

Secretariat, Hyderabad
5 The District Collector, RR.District at Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus, calling for the remarks and records from the respondents herein in and connected to dumping of garbage in Garbage Dumping Yard, Gandhamguda, Rajendranagar mandal,
R.R. District by the Municipal Corporation of Hyderabad due to which the soil water and air in the said village are being polluted, and to pass orders directing the concerned authorities to take steps to restrain the Municipal Corporation of Hyderabad from dumping the garbage in Garbage Dumping Yard of Gandhamguda to save the people of the said locality from environmental pollution in the interest of justice.

For the Petitioner : LETTER

For the Respondent No.1 : Mr. Ganta Rama Rao, S.C. for M.C.H.

For the Respondent No.2 : Mr. S.V.Bhatt, standing counsel for A.P.

Pollution Control Board

For the Respondent Nos.3 to 5: G.P. for Municipal Administration

3) **WRIT PETITION NO : 26322 of 2001**

Between:

M.Laxminarsimha Reddy S/o.M.Venkat Reddy
R/o.Plot No.17, Laxminarasimhaswamy Temple Main Road, Hydershah Kote(V)
Rajendranagar Mandal,

R.R.District

..... PETITIONER

AND

1 The State of A.P. rep. by its Secretary
Environment and Forest, Hyderabad
2 The Secretary Municipal Administration
Secretariat Buildings, Saifabad, Hyderabad
3 The Municipal Corporation of Hyderabad rep. by its

Commissioner
4 A.P.Pollution Control Board rep. by its Member Secretary
Huda Maitrivanam Complex, Ameerpet,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in dumping garbage at Gandhamguda (v) of Peeramcheru Grampanchayat of Rajendranagar Mandal, Rangareddy District as illegal, arbitrary violative of Art.21 of Indian Constitution of villagers and residents of Gandhamguda(V) and surrounding colonies by setting aside the order Dt.18/12/2001 in Letter No.44030/PCB/MSW/GEN-4/2001 issued by the 4th respondent and direct the respondents to forthwith stop dumping of garbage at Gandhamguda(V) and shift the dumping centre to some other place award costs.

For the Petitioner :Mr.B.VIJAYSEN REDDY, Advocate (Not Present)

For the Respondent Nos.1 &2: G.P. for Municipal Administration

For the Respondent No.3: Mr. Ganta Rama Rao, S.C. for M.C.H.

For the Respondent No.4: Mr. S.V.Bhatt, standing counsel for A.P.

Pollution Control Board

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The Court Made the Following :

COMMON ORDER: (Per Hon’ble the Chief Justice)

Three petitions virtually are on the same subject relating to dumping of garbage in

Garbage Dumping Yard in Gandhamguda in Peeramcheru Gram Panchayat of Rajendranagar Mandal, Ranga Reddy district, by the Municipal Corporation of Hyderabad, Hyderabad, resulting in soil, water and air pollution affecting numerous colonies in and around the said area. During the pendency of all the petitions, Andhra Pradesh Pollution Control Board (in short 'the Board) was asked to submit its report and the action taken by the Municipal Corporation of Hyderabad and the State Government was also asked to issue further directions under Section 5 of the Environment (Protection) Act, 1986.

Common counter-affidavit has been filed on behalf of the Board pointing out the extent of solid waste being generated in Hyderabad as also of various dumping sites. We need not go into various details furnished in the common affidavit in the three writ petitions and of the Task Force Committee which was set up by the Board as per the directions of the Chief Secretary, Government of Andhra Pradesh, but would take note of the fact that the Board had recommended numerous directions to the State Government for issuing appropriate directions to the Municipal Corporation of Hyderabad under Section 5 of Environment (Protection) Act, 1986. The Board further states that on 18-05-2002 it had also issued directions to the Municipal Corporation of Hyderabad under Section 33-A of Water (Prevention and Control of Pollution) Amendment Act, 1988 and Section 31-A of Air (Prevention and Control of Pollution) Act, 1977 in the interest of environment in general and public health in particular. Affidavit of the Board also makes reference to the directions of the Supreme Court dated 01-12-2000 and states that it has taken up number of steps to ensure prevention of further pollution being caused to air, water and soil and that it was still continuing to monitor a number of industries. It had identified 152 industries having pollution potential, issued closure orders to 22 industries and issued directions to 52 industries not to manufacture any product without prior permission of the Board and to 12 industries not to manufacture any product which would generate pollution.

The Board has further stated that it has regularly been monitoring the quality of water of both Osman Sagar and Himayat Sagar lakes and assured that it is good for human consumption under Category-A surface water quality.

Having considered the scope of the writ petitions and the stand of A.P.Pollution Control Board, we dispose of these writ petitions with direction to A.P. Pollution Control Board to forward its recommendations to the State Government which it considers necessary for the State Government to issue directions to the Municipal Corporation of Hyderabad or other municipal or civil authorities or which it would like the Government to comply wherever necessary. In case the A.P. Pollution Control Board on its own can issue directions, the Board will do the same, with the sole purpose that there is proper management of solid waste preventing further pollution of soil, air and water and would continue to monitor the industrial solid waste by issuing appropriate directions in that regard. The State Government on receipt of the recommendations of A.P. Pollution Control Board will get the same examined and take follow up action within a period of two months from the date of receipt of such recommendations from the Board and ensure its due compliance by the Municipal Corporation of Hyderabad.

DEVINDER GUPTA, C.J.

G.ROHINI, J

07-07-2004

bsc

To

1 The Secretary,
Environment and Forest,

Govt. of A.P., Secretariat, Hyderabad.
2 The Secretary, Municipal Administration,
Secretariat Buildings, Saifabad, Hyderabad
3 The Commissioner,

Municipal Corporation of Hyderabad

Hyderabad.

4 The District Collector, R.R.District, Hyderabad.
5 The Member Secretary,

A.P.Pollution Control Board,

Huda Maitrivanam Complex

Ameerpet,

Hyderabad.

6. 2 CCs to Govt. Pleader for Municipal Admn., High Court

Buildings, Hyderabad (OUT)

7. The Commissioner and Special officer, M.C.H., Commercial

Complex, Tank Bund Road, Hyderabad.

8. The Member Secretary, A.P. Pollution Control Board,

Maitrivanam, S.R. Nagar, Hyderabad.

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